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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,308	12/12/2001	Terry Fisher	0630-00001	5656

7590

09/20/2005

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EXAMINER

HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

T-24

<b>Office Action Summary</b>	<b>Application No.</b> 10/015,308	<b>Applicant(s)</b> FISHER, TERRY	
	<b>Examiner</b> Isaac N. Hamilton	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06/30/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. The restriction requirement mailed 01/11/2005 is hereby withdrawn in light of the amendment made to claim 7.

### ***Drawings***

2. The drawings are objected to because there are two figures "Figure 4". The figures are not identical. It is suggested that Figure 1 and Figure 4 on the second sheet be deleted. It is further required that the border surrounding the figures on the second sheet also be deleted. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. Rejections made under 35 USC 112 are hereby withdrawn.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5-9, 11 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Helm, Sr. (5,083,375). Helms, Sr. discloses guide member 12; channel juxtaposed between elements 16 and 18; support arm 24, 28a and 28b; U-shaped portion is the portion of elements 24, 28a and 28b that are adjacent to the edge of the workpiece 14; the U-shaped portion is

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considered arcuate due to the arcuate shape of element 24 shown in figure 5; linear portion 28a, 28b; space as seen in figures 1 and 3; body piece 44; handle 50; cutting assembly shown in figure 8 attached to handle 50; workpiece 14; cut line in figure 13; inner side is the top of body piece 44 in figure 7; outer side is the bottom of body piece 44 in figure 7; it is implied in figures 14 and 15 that body piece 44 moves across guide member 12 in order to completely sever the workpiece 14 as shown in figure 15; slider member 52, 54; channel with non-circular cross section in figure 16; bolt 62; roughly c-shaped cross section of guide member 12 in figure 1; method of cutting sheeted material in figures 13-15; longitudinal axis is collinear with guide member 12; wing bolt 62; top wall 18; bottom wall 20; rear wall 16; first side of guide member is the top of guide member 12 as shown in figure 1; second side of guide member 12 is the bottom edge of element 18; second, free end of support arm 28a and 28b is at the bottom of the support arm in figure 1.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm, Sr. in view of Dunn (4,574,480). Helm, Sr. discloses everything as noted above, but does not disclose a holder member and two cutter wheels. However, Dunn teaches holder member 12, 13, 14 and teaches cutter wheels 15, 16. It would have been obvious to provide a holder member and cutter wheels in Helm, Sr. as taught by Dunn in order to increase the cutting surface of the tool.

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8. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm, Sr. in view of Dunn (4,574,480). Helm, Sr. discloses guide member 12; first side of guide member is the top of guide member 12 as shown in figure 1; second side of guide member 12 is the bottom edge of element 18; body piece 44; handle 50; cutting assembly shown in figure 8 attached to handle 50; support arm 24, 28a, 28b; linear portion 28a, 28b; workpiece 14; cut line in figure 13; cube 44; slider member 52, 54; wing bolt 62; square cross section channel in figure 16. Helm, Sr. does not disclose a holder member and does not disclose two cutter wheels, however, Dunn teaches holder member 12, 13, 14 and teaches cutter wheels 15, 16. It would have been obvious to provide a holder member and cutter wheels in Helm, Sr. as taught by Dunn in order to increase the cutting surface of the tool. Note in Dunn, upper portion 13; medial portion 14; lower portion 12; upper cutter wheel 16; lower cutter wheel 15; interface of cutter surfaces in figure 4.

***Response to Arguments***

9. Applicant's arguments filed 06/30/05 have been fully considered but they are not persuasive. Applicant asserts that elements 16 and 18 do not define a channel. It is believed that elements 16 and 18 define a channel because channels are not required to be rectangular as is the case in the instant application. The L-shaped bracket provides a space limited by the elements 16 and 18, and this space is considered a channel. Applicant asserts that elements 16 and 18 are not "opposite wall portions". It is believed that elements 16 and 18 are opposite wall portions because as defined in Merriam-Webster's Collegiate Dictionary, Tenth Edition, the definition of opposite is "being the other of a pair that are corresponding or complimentary in position, function, or nature". Applicant asserts that elements 24, 28a and 28b is not a single support arm.

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It is believed that because elements 24, 28a and 28b are all connected, the elements are considered a single support arm.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

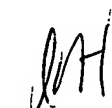
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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IH

September 16, 2005

A handwritten signature in black ink, appearing to be 'ay'.

Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700